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09/822,753	03/30/2001	Kenneth Hung-Yi Chang	TI-31768	9031

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EXAMINER

CASIANO, ANGEL L

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 07/28/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,753

Applicant(s)

CHANG, KENNETH HUNG-YI

Examiner

Angel L. Casiano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This Office Action is in response to application filed 30 March 2001.
2. Claims 1-33 are pending in the application.
3. Acknowledgement is made of priority claim under 35 U.S.C. 119(e)(1) of U.S. provisional application filed 3 April 2000.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 27 August 2002 was filed after the mailing date of the application on 30 March 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 7, 11, 14, 19, and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Halpern et al. [US 6,282,711 B1].

Regarding claim 1, Halpern et al. teaches a method (see Abstract) of downloading a program to a data processor. The method found in the cited reference provides (see col. 8, lines 33-34) the program (see col. 3, line 5) in an executable file (see col. 7, lines 52-54) together with information (see col. 3, lines 4-7, 21-22) indicating a condition (inherent, col. 6, line 48) needed (see “required”, Abstract) for executing the file. Based on the information (see Abstract; col. 5, lines 50-55) disclosed by the reference, the method downloads (see col. 6, lines 18, 59; col. 9, lines 48-49; col. 10, lines 46-47) the program to a data processor, which satisfies the condition information.

Regarding claim 7, Halpern et al. teaches a method where an executable file is produced (see Abstract). The cited executable file contains a program to be executed by a processor (see col. 3, lines 66-67; col. 4, lines 11-14). The disclosure by Halpern et al. provides information (see col. 3, lines 4-7, 21-22) indicative of a necessary condition (inherent, col. 6, line 48; see “required”,

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Abstract) for executing the program. This information is integrated with the program in the executable file (see col. 3, lines 1-7).

In consideration of claim 11, the cited prior art explicitly teaches converting input information (see “user’s inputs”, Abstract) into condition information. The cited method provides the program in the executable file (see col. 7, lines 52-54) integrated with information indicative of a condition (inherent, col. 6, line 48; see “required”, Abstract).

Regarding claim 14, Halpern et al. teaches a method of producing a database (see “component pool”, col. 3, lines 23-24). A first processor (see “server”, Abstract) can obtain information (see col. 3, lines 28-31) about a program to be downloaded to a second data processor (see “client”, Abstract). The method, as disclosed by Halpern et al. includes a plurality of programs (see “component pool”, col. 3, lines 23-24). For each program, the cited art provides information indicating necessary information for executing the programs (see col. 3, lines 1-7). The disclosure by Halpern et al. provides information (see col. 3, lines 4-7, 21-22) indicative of a necessary condition (inherent, col. 6, line 48; see “required”, Abstract) for executing a program. This information is integrated with the program in an executable file (see col. 3, lines 1-7). This executable file is stored in a file storage facility.

In consideration of claim 19, Halpern et al. explicitly teaches converting input information (see “user’s inputs”, Abstract) into condition information. The cited method provides the program in

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the executable file (see col. 7, lines 52-54) integrated with information indicative of a condition (inherent, col. 6, line 48; see "required", Abstract).

As for claim 21, Halpern et al. teaches a method where a single executable file is produced (see Abstract). The disclosure by Halpern et al. provides information (see col. 3, lines 4-7, 21-22) indicative of a necessary condition (inherent, col. 6, line 48; see "required", Abstract) for executing the program. This information is integrated with the program in the single executable file (see col. 3, lines 1-7).

As for claim 22, the disclosure by Halpern et al. provides information (see col. 3, lines 4-7, 21-22) indicative of a necessary condition (inherent, col. 6, line 48; see "required", Abstract) for executing a program. This information is integrated with the program in an executable file (see col. 3, lines 1-7), which includes the necessary information as well as the program itself. This executable file is stored in a file storage facility.

Claim 23 is directed to the data processing apparatus for the implementation of the method, as disclosed in claim 14. This claim is rejected in the present Office Action. Accordingly, claim 23 is rejected under the same basis.

Claim 24 is directed to the data processing system for the implementation of the apparatus, as disclosed in claim 14. This claim is rejected in the present Office Action. Accordingly, claim 24 is rejected under the same basis.

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Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-4, 6, 8-9, 12-13, 15-17, 28-29, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halpern et al. [US 6,282,711 B1].

As for claim 2, the cited art does not expressly teach configuring a data processor based on condition information. Nonetheless, the cited art does teach configuring the program sent to a processor (see “custom configured”, Abstract). The cited art also teaches data necessary for downloading the program (see Abstract). Therefore, this information clearly teaches a condition necessary for the method in the prior art. Accordingly, by configuring the cited data, it would have been obvious to one of ordinary skill in the art that the processor receiving the data is configured as well.

In consideration of claim 3, the cited prior art does not teach a selection of a data processor based on condition information. Nonetheless, one of ordinary skill in the art would have been motivated to state that a processor is selected as part of the method disclosed by Halpern et al., since the program is downloaded to a specific processor (see “requesting”, Abstract).

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Considering claim 4, the cited prior art does not mention a COFF executable file having the program and condition information. However, Halpern et al. clearly exposes providing an executable file for downloading (see Abstract; col. 4, lines 11-14; col. 7, lines 52-54; col. 10, lines 20-22). Therefore, the cited prior art teaches providing the executing file, although it does not specify the file as COFF.

As for claim 6, Halpern et al. teaches providing an executable file for downloading (see col. 4, lines 11-14; Abstract). The download, as disclosed by Halpern et al. includes the program itself as well as all the necessary information for executing the file (see col. 3, lines 1-7). Nonetheless, the determination of condition information for the method disclosed by Halpern et al. occurs at server level (see col. 3, lines 44-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the information regarding a condition for the program in the executable file is accessible to the user, but not downloaded.

In consideration of claims 8 and 9, these constitute examples of condition information associated with the program, as disclosed in claim 7. Regarding condition information, Halpern et al. teaches providing required (necessary) information for the program (see "required", Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that information related to "data processor platform" (claim 8) as well as "set up parameters" (claim 9) would have been included by Halpern et al. as necessary information for the execution of the program.

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As for claim 12, Halpern et al. teaches providing an executable file for downloading (see col. 4, lines 11-14; Abstract). The download, as disclosed by Halpern et al. includes the program itself as well as all the necessary information for executing the file (see col. 3, lines 1-7). Nonetheless, the determination of condition information for the method disclosed by Halpern et al. occurs at server level (see col. 3, lines 44-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the information regarding a condition for the program in the executable file is accessible to the user, but not downloaded.

Considering claim 13, Halpern et al. does not cite a COFF executable file. Nonetheless, the cited prior art clearly teaches providing an executable file for downloading (see Abstract; col. 4, lines 11-14; col. 7, lines 52-54; col. 10, lines 20-22). Therefore, the cited art does teach providing the executable file, although it does not specify the file as COFF. Accordingly, one of ordinary skill in the art at the time the invention was made would have been motivated to state that a COFF file constitutes a type of the executable file exposed by Halpern et al.

As for claims 15 and 16, these constitute examples of condition information associated with the program, as disclosed in claim 14. Regarding condition information, Halpern et al. teaches providing required (necessary) information for the program (see “required”, Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that information related to “data processor platform” (claim 15) as well as “set up parameters” (claim 16) would have been included by Halpern et al. as necessary information for the execution of the program.

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Considering claim 17, Halpern et al. does not cite a COFF executable file. Nonetheless, the cited prior art clearly teaches providing an executable file for downloading (see Abstract; col. 4, lines 11-14; col. 7, lines 52-54; col. 10, lines 20-22). Therefore, the cited art does teach providing the executable file, although it does not specify the file as COFF. Accordingly, one of ordinary skill in the art at the time the invention was made would have been motivated to state that a COFF file constitutes a type of the executable file exposed by Halpern et al.

In consideration of claim 28, it constitutes types of processors that one of ordinary skill in the art would have been motivated to use in the prior art system. Microprocessors and digital signal processors are well known in the art.

As for claim 29, the cited art does not teach a third data processor coupled to the first data processor. Nonetheless, the cited system is oriented to a processing network, such as the Internet (see col. 3, line 1). Therefore, it would have been obvious to one of ordinary skill in the art that a third processor would have been coupled to the first in order to constitute a network, as disclosed by Halpern et al.

In consideration of claim 31, the cited art teaches a man/machine interface for communication between a processor and a user (see col. 3, lines 4, 39; col. 4, line 59).

As for claim 32, Halpern et al. teaches a visual interface (see col. 4, line 67).

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As for claim 33, the cited prior art does not expressly teach configuring a data processor based on condition information. However, the cited prior art does teach configuring the program sent to a processor by a first processor (see “server”, “client”, “custom configured”, Abstract). The cited art also teaches data needed for downloading the program (see Abstract). Therefore, this information clearly teaches a condition necessary for the method in the prior art. Accordingly, by configuring the cited data, it would have been obvious to one of ordinary skill in the art that the processor receiving the data is configured as well.

10. Claims 5, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halpern et al. [US 6,282,711 B1] in view of Carron et al. [US 4,724,521].

As for claim 5, the cited prior art combines the information regarding the condition with the program itself (see Abstract). Furthermore, the cited art teaches a “package” including all the necessary information for the program, as well as the program itself (see col. 3, lines 1-5). The disclosure by Halpern et al. does not teach a compiler/linker. Carron et al. teaches a compiler and linker (see col. 10, lines 58-60; col. 11, lines 2-8). Considering the disclosure by Carron et al., one of ordinary skill in the art would have been motivated to modify the disclosure by Halpern et al. by including a compiler/linker, since as indicated by Carron et al., these elements inherently produce a machine language version of the program (see col. 6, lines 64-68). Accordingly, the use of a compiler/linker for these purposes would have been obvious to one of ordinary skill in the art at the time the invention was made.

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Regarding claim 10, Halpern et al. combines the information regarding the condition with the program itself (see Abstract). In addition, the cited art teaches a “package” including all the necessary information for the program, as well as the program (see col. 3, lines 1-5). However, Halpern et al. does not refer to a compiler/linker. Carron et al. teaches a compiler and linker (see col. 10, lines 58-60; col. 11, lines 2-8). Considering the disclosure by Carron et al., one of ordinary skill in the art would have been motivated to modify the disclosure by Halpern et al. by including a compiler/linker, since as indicated by Carron et al., these elements inherently produce a machine language version of a program (see col. 6, lines 64-68). Furthermore, the use of a compiler/linker for these purposes would have been obvious to one of ordinary skill in the art at the time the invention was made.

As for claim 18, Halpern et al. combines the information regarding the condition with the program itself (see Abstract). In addition, the cited art teaches a “package” including all the necessary information for the program, as well as the program (see col. 3, lines 1-5). However, Halpern et al. does not refer to a compiler/linker. Carron et al. teaches a compiler and linker (see col. 10, lines 58-60; col. 11, lines 2-8). Considering the disclosure by Carron et al., one of ordinary skill in the art would have been motivated to modify the disclosure by Halpern et al. by including a compiler/linker, since as indicated by Carron et al., these elements inherently produce a machine language version of a program (see col. 6, lines 64-68). Furthermore, the use of a compiler/linker for these purposes would have been obvious to one of ordinary skill in the art at the time the invention was made.

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11. Claims 25-27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halpern et al. [US 6,282,711 B1] in view of the admitted prior art.

As for claim 25, the cited prior art does not teach a system provided on a single integrated circuit chip. Nonetheless, in applicant's admission of prior art, an application for mobile telephones (single-chip systems; see pages 1-2) is disclosed. Accordingly, one of ordinary skill in the art at the time the invention was made would have been motivated to modify the admitted prior art in order to include the teachings of Halpern et al. in order to ensure compatibility (see Halpern et al., col. 2, line 49) as well as transmission continuity (see col. 4, line 7).

As for claim 26, the cited art teaches a man/machine interface for communication between a processor and a user (see col. 3, lines 4, 39; col. 4, line 59).

As for claim 27, Halpern et al. teaches a visual interface (see col. 4, line 67).

As for claim 30, the cited prior art does not teach a system provided on a single integrated circuit chip. Nonetheless, in applicant's admission of prior art, an application for mobile telephones (single-chip systems; see pages 1-2) is disclosed. Accordingly, one of ordinary skill in the art at the time the invention was made would have been motivated to modify the admitted prior art in order to include the teachings of Halpern et al. in order to ensure compatibility (see Halpern et al., col. 2, line 49) as well as transmission continuity (see col. 4, line 7).

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12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halpern et al. [US 6,282,711 B1] in view of Tevanian et al. [IDS].

Regarding claim 20, Halpern et al. does not teach providing a universally unique identifier for each of the programs and corresponding condition information. The cited art does not teach integrating the universally unique identifier into the executable file along with the program and corresponding condition information. Nonetheless, identifiers are well known in the art. Tevanian et al. [IDS] teaches an identifier for a program file (see col. 8, lines 38-39, 46-52). Therefore, since identifiers are well known in the art, one of ordinary skill would have been motivated to use identifiers in order to distinguish each program and their corresponding condition information, as disclosed by Halpern et al.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Shaw et al. [US 6,233,590 B1] teaches a server system for distributed communications, which supports a multiple user/application environment.
- Harrison et al. [US 6,051,032] discloses a method of installing and configuring a computer program.

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- Iyengar et al. [US 6,018,627] teaches a system for developing computer applications using a set of development tools.
- Hesse et al. [US 5,950,010] teaches system and method for customized application package building and installation.
- Waldo et al. [US 5,815,709] teaches system and method for generating identifiers for uniquely identifying object types.
- Shaw et al. [US 5,806,068] teaches document data processor for an object-oriented knowledge management system containing a personal database in communication with a packet processor.
- Blumer et al. [US 5,732,219] discloses computer system and computer-implemented process for remote editing of computer files.

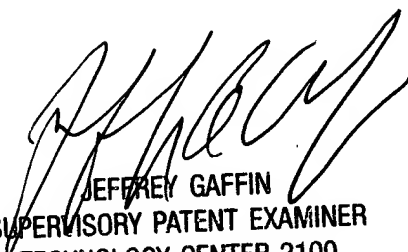
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 703-305-8301. The examiner can normally be reached on 800-500pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

alc
July 21, 2003



JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100